



Supreme Court
STATE OF SOUTH DAKOTA

David Gilbertson
CHIEF JUSTICE

June 30, 2010

Dear Fellow Members of the State Bar of South Dakota:

As you are aware approximately a year and a half ago, the Supreme Court created a Committee to study the issue of allowing media access to our trial courts by the use of both video and still cameras. Our present rule prohibits such access.

Several months ago the Committee rendered its report which contained three different recommendations. A majority recommended access where all parties agree to that access. A second group within the Committee recommended access is presumed unless for good cause the trial judge closed the proceeding. A third recommendation by the Attorney General would allow internet streaming of the entire proceeding similar to that which is currently done for Supreme Court oral arguments.

After the report was received by the Supreme Court a cost analysis of the three proposals was done. The estimated cost for the internet streaming proposal would be in the range of \$50,000 per courtroom. Solely for the reason of cost and the Court's inability to fund it, this proposal was withdrawn by the Attorney General and the former Attorney General who initially proposed it.

The only way the Supreme Court can modify the current ban is by a rule change. The recommendations by the Committee did not contain specific rule change proposals. The legal staff of the Supreme Court has taken the remaining two recommendations and attempted to draft proposed rules consistent with these recommendations. Attached hereto are the two proposals. The third option would be to retain the current ban.

A formal rules hearing will be held by the Supreme Court on October 7, 2010 in Pierre. I wish to stress that at this point no decision has been made by the Court on how to proceed and we intend to study the various proposals along with input from the bar and the public.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gilbertson", written over a horizontal line.

David Gilbertson
Chief Justice